



# Justice

## PART 12 - DEFAULT JUDGMENT

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### Meaning of 'default judgment'

**12.1** In these Rules, 'default judgment' means judgment without trial where a defendant—

- (a) has failed to file an acknowledgment of service; or
- (b) has failed to file a defence or any document intended to be a defence.

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### Claims in which default judgment may not be obtained

**12.2** A claimant may not obtain a default judgment—

- (a) on a claim for delivery of goods subject to an agreement regulated by the Consumer Credit Act 1974<sup>1</sup>;
- (b) where they use the procedure set out in Part 8 (alternative procedure for claims); or
- (c) in any other case where a rule or practice direction says that the claimant may not obtain default judgment.



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## Conditions to be satisfied

### 12.3

(1) The claimant may obtain judgment in default of an acknowledgment of service only if at the date on which judgment is entered—

- (a) the defendant has not filed an acknowledgment of service or a defence to the claim (or any part of the claim); and
- (b) the relevant time for doing so has expired.

(2) Judgment in default of defence (or any document intended to be a defence) may be obtained only—

(a) where an acknowledgement of service has been filed but, at the date on which judgment is entered, a defence has not been filed;

(b) in a counterclaim made under rule 20.4, where at the date on which judgment is entered a defence has not been filed, and, in either case, the relevant time limit for doing so has expired.

(Rule 20.4 makes general provision for a defendant's counterclaim against a claimant, and rule 20.4(3) provides that Part 10 (acknowledgement of service) does not apply to a counterclaim made under that rule.)

(3) The claimant may not obtain a default judgment if at the time the court is considering the issue—

(a) the defendant has applied—

(i) to have the claimant's statement of case struck out under rule 3.4; or

(ii) for summary judgment under Part 24,

and, in either case, that application has not been dealt with;

(b) the defendant has satisfied the whole claim (including any claim for costs) on which the claimant is seeking judgment;

(c)

(i) the claimant is seeking judgment on a claim for money; and

(ii) the defendant has filed or served on the claimant an admission under rule 14.4 or 14.7 (admission of liability to pay all of the money claimed) together with a request for time to pay; or

(d) notice has been given under rule 82.21 of a person's intention to make an application for a declaration under section 6 of the Justice and Security Act 2013(2) in relation to the proceedings, and that application has not been dealt with.

(Part 14 sets out the procedure where a defendant admits a money claim and asks for time to pay.)

(Rule 6.17 provides that, where the claim form is served by the claimant, the claimant may not obtain default judgment unless a certificate of service has been filed.)

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## Procedure for obtaining default judgment

### 12.4

(1) Subject to paragraph (3), a claimant may obtain a default judgment by filing a request in the relevant practice form where the claim is for—

- (a) a specified amount of money (Form N205A or N225);
- (b) an amount of money to be decided by the court (Form N205B or N227);
- (c) delivery of goods where the claim form gives the defendant the alternative of paying their value (N205A, N225); or
- (d) any combination of these remedies.

(2) Where the defendant is an individual, the claimant must provide the defendant's date of birth (if known) where required in the form.

(3) The claimant must make an application in accordance with Part 23 if they wish to obtain a default judgment—

- (a) on a claim which consists of or includes a claim for any other remedy; or
- (b) where rule 12.10 or rule 12.11 says so, and where the defendant is an individual, the claimant must provide the defendant's date of birth (if known) in Part C of the application notice.

(4) Where a claimant—

- (a) claims any other remedy in the claim form in addition to those specified in paragraph (1); but
- (b) abandons that claim in their request for judgment, they may still obtain a default judgment by filing a request under paragraph (1).

(5) In civil proceedings against the Crown, as defined in rule 66.1(2), a request for a default judgment must be considered by a Master or District Judge, who must in particular be satisfied that the claim form and particulars of claim have been properly served on the Crown in accordance with section 18 of the Crown Proceedings Act 1947(3) and rule 6.10.

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## Nature of judgment where default judgment obtained by filing a request

### 12.5

(1) Where the claim is for a specified sum of money, the claimant may specify in a request filed under rule 12.4(1)—

- (a) the date by which the whole of the judgment debt is to be paid; or
- (b) the times and rate at which it is to be paid by instalments.

(2) Except where paragraph (4) applies, a default judgment on a claim for a specified amount of money obtained on filing a request, will be judgment for the amount of the claim (less any payments made) and costs, to be paid—

- (a) by the date or at the rate specified in the request for judgment; or